IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN AT JODHPUR

JUDGMENT

Rajasthan Atomic Power Shramik Sangh

Vs.

Nuclear Power Corporation of India Ltd. & Ors.

D.B. SPECIAL APPEAL (WRIT) NO.199/2006
against the judgment dt.9th March, 2006 passed in S.B. Civil Writ Petition No.1253/2006.

Date of judgment : 28th August, 2006

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. R.S. Saluja for the appellant.

Mr. Arun Bhansali for the respondents.

BY THE COURT: (HON'BLE MR. RAJESH BALIA, J.)

The copy of the plaint, submitted by the appellant Rajasthan Atomic Power Sharmik Sangh

before the Court of Civil Judge (Junior Division) Ravatbhata for seeking a permanent injunction restraining Rajasthan Atomic Power Project Karmchari Sangh (Intuc) from participating in the process of seeking status of recognised trade union with whom, the respondents No.1 and 2 can enter into negotiations on behalf of workman has been placed before us for perusal.

This plaint is dated 27th April, 2006 after the judgment of learned Single Judge was delivered on 9.3.2006 dismissing the writ petition filed by the plaintiff. The plaint has also been submitted after filing the appeal before this Court on 22nd March, 2006 when the matter was already listed before the Court twice before filing of the plaint. Apparently this was an attempt by the appellant Union to get an interim order from the Court of Civil Judge (Junior Division) a Court subordinate to High Court of Rajasthan having

failed to get an interim order from this Court, after writ petition challenging the policy matter concerning recognition of the Trade union was dismissed. There is no dispute about the question that there has been recognised trade union for the purpose of entering into negotiations and communication with the employer on behalf of the workman. Thus the filing of the suit in the present circumstances makes it very abundantly clear that the petitioner has no respect for the judicial process and is indulging into the practice which amounts to abuse of process of court. In view of the aforesaid conduct, the present proceedings which arise out of invoking extra ordinary jurisdiction of this Court, cannot be permitted to continue at the instance of appellant.

Accordingly, the appeal is dismissed.

Before parting with the case we notice

that from the perusal of the plaint it is clear that it has been verified by the very same person, who has filed affidavit in support of the writ petition and who has filed the affidavit in the special appeal also. Yet the fact about pursuit of writ petition challenging the change in the system for recognising the trade union by the respondent establishment and its dismissal by learned Single Judge has not been mentioned. Apparently, the interim order has been sought by concealing the material facts. The injunction order having been obtained by concealing material facts, to nullify the effect of this Court temporary injunction / interim order passed in the suit referred to above cannot be allowed to be continued.

Accordingly in exercise of supervisory jurisdiction conferred on this Court under Article 227. We direct that the injunction which has been obtained by the petitioner after suffering

judgment of this Court against them for participating in the process of seeking status of recognised trade union at the respondent establishment shall stand vacated being contrary to the judgment of this Court.

[GOPAL KRISHAN VYAS], J. [RAJESH BALIA], J.

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